



The Constitution

of the Republic of South Africa, 1996



THE RIGHTS OF VULNERABLE AND MARGINALISED GROUPS IN SOUTH AFRICA

Cape Town, South Africa

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Introduction

The Centre for Conflict Resolution (CCR), Cape Town, South Africa, and the Johannesburg-based Foundation for Human Rights (FHR) hosted three public dialogues in Cape Town, on 23 April 2018 on “Ending Violence Against Women in South Africa: Disruption and Innovation”; on 22 May 2018 on “Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Rights in South Africa: Equality and Inclusion on Paper Versus Practice”; and on 26 June 2018 on “Tackling Xenophobia in South Africa: The Search for Solutions”.

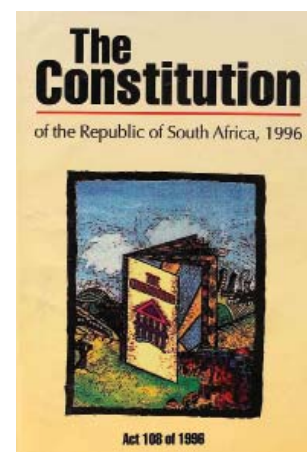
In 1996, South Africa adopted what is believed to be “one of the world’s most progressive constitutions”.¹ The Bill of Rights – Chapter 2 of the Constitution – provides for the protection of the civil, political, and socio-economic rights of all people in South Africa, including the rights to human dignity, equality, non-racialism, and non-sexism, as well as the supremacy of the Constitution. Despite this constitutional protection, the rights of vulnerable and marginalised groups in South Africa are still far from being realised, and the structural violation of their rights persists.

Women and girls suffer multiple forms of violence perpetrated by men in South Africa, where the prevalence of rape and sexual assault is one of the highest in the world. According to the 2016 South Africa Demographic and Health Survey, 21 per cent of partnered women (one in five) over the age of 18 have experienced physical violence perpetrated by a partner.² Furthermore, violence against women is under-reported, amid a culture of apparent immunity. Similarly, LGBTI and gender non-conforming people continue to face severe discrimination, hate, and violence. There has been a pandemic of “corrective rape” violations against lesbian women, in particular, and violence against transgender individuals.³

Migrants, refugees, and asylum-seekers from other African countries inhabiting South Africa also suffer discrimination and physical violence. Migration to South Africa from other parts of the continent occurs for various reasons, such as the pursuit of economic prospects, the fear of persecution in home countries, and the need to escape from war zones. The South African economy has benefitted from the scarce skills of, and economic activity generated by, migrants. Yet foreign nationals are often blamed for social problems such as crime and unemployment. Since 2008 over 400 immigrants, refugees, asylum-seekers, and those viewed as “others” have been killed in xenophobic attacks, and more than 100,000 people have been displaced.⁴ This points to the inability of both government and civil society to deal decisively with xenophobia and to address its root causes.

The victimisation of these marginalised groups – women, girls, LGBTI people, migrants, refugees, and asylum-seekers, among others – derives mainly from South Africa’s legacy of colonialism and apartheid, which destroyed social structures and created traumatised families. This oppressive legacy cannot

Despite South Africa’s constitutional protection, the rights of vulnerable and marginalised groups are still far from being realised, and the structural violation of their rights persists.



THE SOUTH AFRICAN CONSTITUTION IS CONSIDERED BY MANY AS ONE OF THE MOST PROGRESSIVE IN THE WORLD, WITH A BILL OF RIGHTS SECOND TO NONE.

Image source - South African History Online
<http://www.sahistory.org.za/topic/south-african-constitution-1996>

1 Centre for Conflict Resolution (CCR), *Constitutional Democracy and the Rule of Law in South Africa*, Policy Brief no. 26 (Cape Town, November 2015), p. 1, <http://www.ccr.org.za>.

2 Statistics South Africa (Stats SA), *South Africa Demographic and Health Survey 2016: Key Indicator Report* (Pretoria, May 2017), pp. 54–55.

3 Voice of Africa’s LGBTI Community, ‘Is the African Commission Dictated to by Religious and Political Leaders on Sexual Minorities?’, 2010, <http://www.mask.org.za/is-the-african-commission-dictated-to-by-religious-and-political-leaders-onsexual-minorities/#more-3076>.

4 Alexandra Hiropoulos, ‘Mapping, Understanding, and Preventing Xenophobic Violence in South Africa’, *Africa Check* 31 January 2017, <https://africacheck.org/2017/01/31/analysis>.

be dismissed when analysing or addressing ongoing discrimination against vulnerable and marginalised groups. The most effective strategies to protect these groups go beyond addressing the immediate causes of present oppressions, and take account of the root sources of violence, while still holding perpetrators accountable.

1. Ending Violence Against Women: Disruption and Innovation⁵

Deconstructing Negative Narratives

The freedom that the end of apartheid promised has not yet arrived for South Africa's women and girls. If violence against women is to end, the central narratives that circulate around it in the collective South African consciousness must be unpacked, including the idea that women are responsible for their own victimisation. This narrative is evident in media reports of rape, which often refer to women's consumption of alcohol, or walking alone at night; and is reinforced in rape prevention messages such as "avoid isolated areas" and "avoid walking alone". Such messages place responsibility on women to avoid attack, rather than on perpetrators not to attack. They further tie into the idea that women lead lives of inherent risk, with violence as an almost inescapable part of their lives and relationships. This normalises violence in women's lives, and can even teach them to expect it. It is vital that such ideas are questioned and deconstructed.



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WOMEN PICKET DURING THE #TOTALSHUTDOWN MARCH AGAINST GENDER-BASED VIOLENCE IN CAPE TOWN, SOUTH AFRICA, IN AUGUST 2018.

Photo - Ashraf Hendricks
Image source - GroundUp
<https://www.groundup.org.za/article/thousands-march-against-gender-based-violence-across-south-africa/>

Violence against women is part of a greater system of patriarchal domination. It is too often presented as unrelated to this system. Media coverage tends to focus on isolated cases of violence against women and children. This contributes to positioning such violence as an infrequent phenomenon, and does little to highlight the patriarchal norms and beliefs that lie at the core of its perpetration. Similarly problematic is the neglect of stories of ordinary women experiencing abuse at the hands of their partners. These are often not considered newsworthy, based on the idea that intimate-partner violence is a private family matter. This silence in the media, as well as in society more generally, illustrates the extent to which violence in intimate relationships is considered normal. More attention must be placed on the everyday forms of violence to which women are subjected, including sexual harassment.

⁵ This section is mainly based on presentations made by Floretta Boonzaier (chair), University of Cape Town; Kwezilomso Mbandazayo, Oxfam South Africa; and Nozizwe Madlala-Routledge, Embrace Dignity, at the CCR public dialogue, "Ending Violence Against Women in South Africa: Disruption and Innovation", held in Cape Town on 23 April 2018.

It is also critical to question and expose the narrative that violence against women is a “poor black” problem. Poor black men are often constructed as threats, with their subordination within the white hetero-patriarchal system ignored. The racialisation of gender-based violence is evidenced within sampling for research studies, which often select only black participants from poor rural areas or townships. This produces a picture of gendered violence as taking place only in such areas. The scope of research on gender-based violence must be broadened to include predominantly white areas, and affluent black areas. At the same time, the links between poverty, inequality, unemployment, and gender-based violence must not be ignored: to disregard these links is to mask the inter-generational and traumatic violence produced by apartheid, and continuing deprivation. The broader point, rather, is to interrogate critically the circulating narratives about violence against women and the assumptions upon which they are based. These often obscure other means of understanding and therefore ending the phenomenon. A critical strategy thus for ending violence against women is to produce counter-narratives that resist, disrupt, and challenge the current ways that South Africans collectively make sense of it.

Developing Innovative Strategies for Positive Change

One perspective holds that women must turn towards, and trust, their own instincts in the search for solutions. According to this idea, women scholars and activists must move beyond the framework of conventional academic training, which often implies that “you [must] trust your instincts last”, or only as long as the insights they produce can be scientifically justified. Such approaches are also important given that the criminal justice system has failed women and girl survivors of violence in South Africa. The failure of this system has given rise to women finding alternative ways of dealing with violence and seeking justice that may appear “disruptive” but are also creative. Online activism has been used to disrupt popular narratives, such as women using social media to name and shame men who neglect to pay maintenance. Approaches such as this could unexpectedly lead to new models of accountability that are far more holistic than those that exist currently, and that also advance the healing that is critical for South Africa.

A further strategy to end violence against women – one that positions innovation as “moving back” and “reclaiming” culture – involves a re-imagining of African cultural narratives of what it means to be a woman. This involves defining an African way of being that is inherently feminist. For example, the generally accepted notion that many *sangomas* take on a genderless status compels those who accept this to acknowledge the fundamental fluidity of gender. The ability to “re-interpret” arguably allows for the possibility of addressing wrongdoings in ways that foreground survivors, and yet hold perpetrators to account, while training them to be non-violent.

Furthermore, efforts to end violence against women should draw on successful disruptive strategies used during the struggle against apartheid, according to some struggle activists. For example, “People’s Education”, which created “liberated zones” during apartheid, was used to free black communities, one community at a time. A similar step-wise approach could be applied in this current struggle: ending gender-based violence is now arguably South Africa’s biggest challenge. The country should therefore channel far more of its resources into constructive efforts to do so. The critical frontline for women survivors of violence – organisations like Rape Crisis – tends to be radically under-funded.

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A PARTICIPANT AT THE CCR PUBLIC DIALOGUE, “ENDING VIOLENCE AGAINST WOMEN IN SOUTH AFRICA: DISRUPTION AND INNOVATION”, HELD AT 6 SPIN STREET, CAPE TOWN, IN APRIL 2018.

Photo - Fanie Jason
Image source - CCR
<https://www.facebook.com/CCRCapeTown/>

Another strategy towards ending violence against women is arguably for South Africa to pass the Equality Law,⁶ which de-criminalises those who sell sex, while targeting those who buy it. Based on the idea that there is no supply without demand, this law strives to hold accountable those who seek to exploit women's and gender non-conforming people's bodies, while ensuring that those who sell sex are not stigmatised. This idea is heavily contested: critics argue that this approach will result in continued harm to those who sell sex. Both approaches seek to protect and de-stigmatise those who sell sex; the divergence in the legal frameworks lies in the response to those who purchase sex, who are mainly men. A further idea advanced is that of engaging men as critical actors for ending gender-based violence and sexual exploitation.

2. Combatting Discrimination Against the LGBTI Community⁷

South Africa's Constitution is widely perceived as ground-breaking in its protection of LGBTI rights. The country was one of the first to forbid discrimination based on sexual orientation and is the only African country, to date, to allow same-sex marriage. However, the Constitution's Equality Clause, which specifically provides protection to individuals on the grounds of sexual orientation, does not explicitly refer to gender identity, as pointed out by activists for the rights of gender non-conforming and non-binary people. Gender identity is said to be inferred under "gender" and/or other grounds in the same clause. This means that while lesbian and gay people are legally protected, other queer demographics like transgender, intersex, and bisexual individuals are not specifically accounted for. Moreover, they are disenfranchised within South African society. Activists for the rights of gender non-conforming people worry that it is mistakenly assumed that all queer realities, needs, and challenges are the same or similar. Sexual orientation and gender identity have often been conflated in South Africa.



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A WOMAN HOLDS HER HANDS UP DURING THE DURBAN PRIDE PARADE WHERE PEOPLE MARCHED THROUGH THE CITY CENTRE IN SUPPORT OF GAY RIGHTS, IN JULY 2011.

Image source - VOA News
<https://www.voanews.com/a/challenges-remain-for-lgbt-in-south-africa/1652570.html>

One view holds that human rights are situated within the context of capitalism, which means it is possible to “buy” rights. The argument follows that justice achieved by rights may be technical or legal, rather than social. Social justice is often not realised in the lived realities of marginalised people who have experienced heinous crimes. So, while many rights have been hard-won for gay and lesbian people, particularly cisgender white men – who are closest to the dominant ideological framework that legitimises whiteness and masculinity – rights have not been

⁶ The Equality Law, otherwise known as the Nordic Model, was pioneered in Sweden in 1999.

⁷ This section is mainly based on presentations made by Liberty Clenton Matthyse, Gender DynamiX; Deidre Carter, Parliament of South Africa; and Zakhele Mbhele, Parliament of South Africa, at the CCR public dialogue, “LGBTI Rights in South Africa: Equality and Inclusion on Paper Versus Practice”, held in Cape Town on 22 May 2018 and chaired by Razaan Bailey, Desmond and Leah Tutu Legacy Foundation.

distributed equally across the LGBTI spectrum. For example, silence and infant genital mutilation continue to make intersex people invisible. Black queer people in rural areas are regularly denied access to healthcare facilities, police stations, social services, faith-based institutions, and the like.

Gender non-conforming and non-binary people overall are still legally, socially, and economically excluded from participating fully in South African society. Some activists reference the politics of domination in this regard: the dominant ideology pertaining to sexuality and gender identity expression is currently hetero-sexuality and cis-normativity. Activists maintain that these systems of domination are continuously reinforced through structures such as organised religion, medical/health discourses, and the law. This means that individuals may perpetuate oppressive understandings without awareness. This view holds that the interface of apartheid's legacy with identity politics is now visible in the oppression of gender non-conforming individuals. Activists remind South Africans that they are now at a crucial point to un-learn and re-conceptualise what it means to live in a country that constitutionally promises to protect and respect diversity in all its senses, and refuses to allow identity politics to undermine any demographic.

A critical question for consideration is therefore: what makes up citizenship within a family, a community, or a country? Queer LGBTI citizenship remains contested globally. One argument by gender non-conforming activists is that although they are permitted to *disturb* the status quo of hetero-normativity and cis-normativity, the system will not allow them to *dismantle* it. The South African Parliament passed the Alteration of Sex Description and Sex Status Act in 2003, enabling transgender and intersex persons to amend their gender markers or sex descriptors on identity documents. However, medical reports and medical buy-in are still required for this, and the Department of Home Affairs reportedly often delays or obstructs the process of changing a gender marker/sex descriptor. One perspective holds that medical evidence should not be required. This maintains that the most appropriate longer-term response would be to create a third gender marker on identity documents, or to have no gender marker at all.

Other LGBTI activists argue that LGBTI discrimination is still provided for in some laws in South Africa, despite the constitutional provisions. For example, reports have emerged of same-sex couples across the country struggling to access marriage services. This constraint is enabled by Section 6 of the Civil Unions Act, which currently states that civil marriage officers may apply to the Minister of Home Affairs not to marry same-sex couples. Of 1,130 designated officers in South Africa, 421 marriage officers have been exempted from performing same-sex marriages.⁸ Religious leaders are given the option not to conduct same-sex marriages, but some argue that to allow this choice for civil servants is unconstitutional. This view has been endorsed by state law advisors who cite Section D in Chapter 10 of the Constitution, which states that "services must be provided impartially, fairly, equitably, and without bias". This view holds that Section 6 of the Civil Unions Act therefore should be repealed. At the time of writing, consideration of this was under way within Parliament.

“Religious leaders are given the option not to conduct same-sex marriages, but some argue that to allow this choice for civil servants is unconstitutional.”



FROM LEFT TO RIGHT: HON DEIDRE CARTER, MEMBER OF THE SOUTH AFRICAN PARLIAMENT AND OF THE CONGRESS OF THE PEOPLE (COPE); RAZAAN BAILEY, PROGRAMMES MANAGER, DESMOND AND LEAH TUTU LEGACY FOUNDATION; LIBERTY GLENTON MATTHYSE, EXECUTIVE DIRECTOR, GENDER DYNAMIX; AND HON ZAKHELE MBHELE, MEMBER OF THE SOUTH AFRICAN PARLIAMENT AND OF THE DEMOCRATIC ALLIANCE, AT THE CCR PUBLIC DIALOGUE, "LGBTI RIGHTS IN SOUTH AFRICA: EQUALITY AND INCLUSION ON PAPER VERSUS PRACTICE", HELD AT 6 SPIN STREET, CAPE TOWN, IN MAY 2018.

Photo - Fanie Jason
Image source - CCR
<https://www.facebook.com/CCRCapeTown/>

8 See Carl Collison, "Home Affairs Minister Rejects Call to Amend Discriminatory Same-Sex Law", *Mail & Guardian*, 19 July 2017, <https://mg.co.za/article/2017-07-18-home-affairs-minister-rejects-call-to-amend-discriminatory-same-sex-law>.

Notwithstanding the vestiges of anti-LGBTI sentiment in law, the central battlegrounds of anti-LGBTI sentiment are socio-cultural attitudes and state institutions, according to other activists. The state institutions that are meant to give effect to South Africa's constitutional and legislative framework for LGBTI rights, and to act as channels of restitution when people's rights are violated, are arguably failing. Some who argue this hold that mis-governance challenges, particularly within the law enforcement sector, are to blame. Although the criminal justice system is intended to uphold the rights of all residents, stories of the secondary victimisation of LGBTI people reporting hate crimes are rife. Police investigations of hate crimes are notoriously slow and shoddy. Transgender people are frequently mis-gendered by judges and advocates during court proceedings. Creating independent, capable, and effective institutions – primarily the police, courts, and Chapter 9 institutions⁹ – is argued to be a key priority for advancing LGBTI rights.

3. Tackling Xenophobia in South Africa¹⁰

Continued xenophobia and xenophobic violence contradict South Africa's avowed spirit of *Ubuntu* and damage its image of, as well as its ability to be, a protector and champion of human rights in Africa. Some have gone so far as to question its embrace of an African identity, particularly since the xenophobic attacks of May 2008 (in which at least 62 people were killed).¹¹ Foreign activists maintain, though, that xenophobia has been prevalent since long before the 2008 attacks, with political leaders at times playing a role in fuelling tensions. There is a clear correlation between service delivery protests and incidents of xenophobic violence, with foreign nationals often blamed for South Africa's persistent socio-economic problems, such as the high crime rate, spread of HIV/AIDS, and lack of jobs. Moreover, much of this blame, mistrust, and suspicion has tended to be directed mainly at African foreigners, leading some to ask whether "Afrophobia" may be a more appropriate term than "xenophobia".

South African communities, local leaders, state institutions, and government departments are often ignorant as to the differences between refugees, asylum-seekers, and migrants, and their varying reasons for relocating to South Africa. Xenophobic attacks are of particular concern for refugees and asylum-seekers who have fled armed conflict



“One common stereotype is that South Africa is overrun by migrants, yet, the 2016 Community Survey shows, those born outside South Africa comprise a mere 2.8 per cent of the country's total population.”

RESIDENTS LEAVE PRIMROSE INFORMAL SETTLEMENT IN JOHANNESBURG, SOUTH AFRICA, DURING VIOLENT CLASHES BETWEEN POLICE, LOCAL RESIDENTS, AND FOREIGN NATIONALS IN MAY 2008.

Image source - Jennifer Bruce
<http://jenniferbruce.org/xen.html>

⁹ Chapter 9 institutions are independent bodies, set up under Chapter 9 of the South African Constitution, to strengthen constitutional democracy in the country. Each has a specific mandate that is detailed in enabling legislation. They include: the Public Protector; the South African Human Rights Commission; the Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Minorities; the Commission for Gender Equality; the Auditor-General; the Electoral Commission; and the Independent Communications Authority of South Africa.

¹⁰ This section is mainly based on presentations made by Popo Mfubu (chair), Refugee Rights Unit of the University of Cape Town; Claude Kabambi, African Diaspora Forum; Micheline Minani Muzaneza Bagona, Sonke Gender Justice; and Abdikadir Mohamed, Somali Association of South Africa, at the CCR public dialogue, "Tackling Xenophobia in South Africa: The Search for Solutions", held in Cape Town on 26 June 2018.

¹¹ CCR, *Constitutional Democracy and the Rule of Law in South Africa*, p. 5.

and other crises, for they add to already-existing trauma. No distinction is usually made between legal and illegal migrants. One common stereotype is that South Africa is overrun by migrants. Yet, as the 2016 Community Survey shows, those born outside South Africa comprise a mere 2.8 per cent of the country's total population.¹² According to some civil society activists, denialism and mixed messaging pervade the government's approaches to dealing with xenophobia. Too often, xenophobic attacks are dismissed as conducted by rogue criminal elements.



“Many anti-xenophobia activists claim that ending xenophobia is the collective responsibility of all South Africans, including political leaders, religious leaders, media, business leaders, and communities.”

PARTICIPANTS AT THE CCR PUBLIC DIALOGUE, “TACKLING XENOPHOBIA IN SOUTH AFRICA: THE SEARCH FOR SOLUTIONS”, HELD AT 6 SPIN STREET, CAPE TOWN, IN JUNE 2018.

Photo - Fanie Jason

Image source - CCR

<https://www.facebook.com/CCRCapeTown/>

Activists maintain that it is time for government to pursue a coherent strategy to end xenophobia, and that this must begin by publicly acknowledging that ongoing attacks on foreign nationals and their property are indeed xenophobic. Government must work with a wide range of stakeholders to tackle this form of discrimination within communities, state institutions, and government departments. In this regard, the state should acknowledge the cross-cutting nature of migration and xenophobia. Civil society activists suggest that an intra-governmental approach must be employed, with provision of education and training on migration and xenophobia to all relevant departments and officials. They maintain that this training should educate participants about the assistance provided by other African countries to South Africa's freedom fighters during apartheid, as well as on conflicts and conditions in other African countries, to promote understanding of why refugees and asylum-seekers have left their own countries. Some civil society actors maintain that key recipients of such training should be local government councillors across the country, as councillors are the first port of call for community members when problems arise. They can share the knowledge gained with their communities, and intervene in situations where foreigners are discriminated against. Additionally, government-led consultations with foreigners from the continent on their needs and experiences could be more widespread than has been the case so far.

Many activists maintain that the Prevention and Combating of Hate Crimes and Hate Speech Bill, which is still in Parliament, must also be passed. Critics argue that this bill will curb free speech. Either way, legislation that specifically refers to perpetration of xenophobic violence should be assessed. Building the capacity of the criminal justice system to deal appropriately with xenophobia and foreigners is a priority: police must protect all citizens, including foreigners. When xenophobic crimes occur, the government must ensure that the police properly investigate them, and prosecute those who incite xenophobic violence. There is a suggestion that organisations could submit a Promotion of Access to Information Act (PAIA) application to the Minister of Police so as to obtain disaggregated crime statistics: these would reveal the proportion of crime in the country committed by foreign nationals as compared with South Africans. Notwithstanding all this, many anti-xenophobia activists argue that tackling xenophobia is not just a matter for the government or police. They claim that ending xenophobia is the collective responsibility of all South Africans, including political leaders, religious leaders, media, business leaders, communities, and the like. Holding anti-

¹² Stats SA, *Community Survey 2016 in Brief* (Pretoria, 2016), p. 44.

xenophobia campaigns at national, provincial, and local levels has been suggested as a strategy to stimulate civic responsibility. Education on the socio-political contexts of other African countries, as well as the issues raised by migration and xenophobia, could be integrated into school curricula at primary and high school levels. Targeted and sustained social cohesion programmes, which should include advocacy training, could also be held in communities at high risk of xenophobia across the country.

The media have an important power to provoke or end xenophobia. Activists argue that mainstream media portrayals of foreigners have often served to provoke xenophobic sentiments, while neglecting the positive ways in which many foreigners contribute to the development of the communities they inhabit. There is a need, in their view, to encourage mainstream media to showcase stories of foreigners' positive contributions; and, most important, to provide training to those on the ground on reporting xenophobic violence more accurately.

Some foreign activists advise foreign nationals also to make greater efforts to integrate with South African communities and share their skills with them, introduce themselves to their local councillors and community policing forums, and strive to uplift the economy of the country overall. It is important to stress, however, that foreigners should be protected and respected not on the basis of their contributions to South African society, but purely by virtue of being human. Rather, greater emphasis needs to be placed by all stakeholders on challenging the myths, assumptions, and stereotypes that perpetuate xenophobia and xenophobic discrimination and violence.

Policy Recommendations

The following 10 key policy recommendations emerged from the three public dialogues:

1. Training on proper response to individuals reporting gender-based violence, hate crimes, and xenophobic attacks must be strengthened for police officers and other members of the criminal justice system, such as the judiciary, across the country.
2. Public consultations initiated by government and political parties must be more widely publicised to ensure full engagement with key grassroots organisations and other stakeholders representing vulnerable and marginalised groups.

Ending Violence Against Women:

3. Mainstream media outlets, as well as entertainment media, need training on how to report on gender-based violence and other gender issues accurately, and how to contextualise gender-based violence within the system of patriarchy. This training could be provided by civil society feminist groups, but requires more attention and funding from government and other donors.
4. Critical services for survivors of gender-based violence need increased sustained core funding from the South African government and other donors.

“Mainstream media outlets, as well as entertainment media, need training on how to report on gender-based violence and other gender issues accurately.”



THE OUTDOOR ADVERT TITLED 'THE CHANGING FACE' WAS DONE TO CREATE AWARENESS OF VIOLENCE AGAINST WOMEN IN SOUTH AFRICA, IN NOVEMBER 2009.

Image source - Coloribus
<https://www.coloribus.com/adsarchive/outdoor/awareness-of-violence-against-women-the-changing-face-15363755/>

Combatting Discrimination Against the LGBTI Community:

5. Greater civil society and public engagement are needed for Parliament to support a repeal of Section 6 of the Civil Unions Act, to ensure that all civil servants are obliged to conduct same-sex marriages.
6. All people should receive full access to healthcare facilities, police stations, social services, and faith-based institutions without any discrimination on the basis of sexual orientation or gender identity and expression.
7. Building independent, capable, and effective state institutions and government departments, including the police, judiciary, and Chapter 9 bodies, needs to be a priority, particularly to strengthen their capacity to respond to the needs of LGBTI communities and other vulnerable groups.

“ All people should receive full access to healthcare facilities, police stations, social services, and faith-based institutions without any discrimination on the basis of sexual orientation or gender identity and expression. ”

Tackling Xenophobia in South Africa:

8. Irresponsible statements stoking anti-foreign sentiment made by any stakeholders, including public officials, should be condemned; and all who directly incite violence against migrants need to be prosecuted.
9. Comprehensive training on xenophobia and migration issues is needed across diverse sectors of society, not only in government, including relevant officials and departments, and local government councillors, but also in primary and secondary schools. Mainstream and entertainment media need training on how to report on, and address, xenophobic violence and issues around migrants, refugees, and asylum-seekers accurately, without exacerbating xenophobia, and need to be encouraged to showcase stories of foreigners' positive contributions to South Africa.
10. Successful social cohesion initiatives need sustained funding so as to be replicated in communities across the country, particularly in areas where xenophobic tensions are prevalent.



SOUTH AFRICA'S FIRST TRADITIONAL GAY WEDDING WAS PERFORMED IN KWADUKUZA, KWAZULU-NATAL, IN APRIL 2013.

Image source - Nigerian Monitor
<http://www.nigerianmonitor.com/photos-africas-first-traditional-gay-wedding-history-as-south-african-men-marry/>